

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)
)
VS.)
) No. 1:02 CR 743-7
)
PETER GOTTI,) MOTION FOR GOVERNMENT RESPONSE
) AND HEARING
Defendant)

The defendant Peter Gotti, by his counsel, respectfully shows the Court that:

1. On June 28, 2019 he filed a motion for compassionate release pursuant to the First Step Act of December 21, 2018, 132 Stat. 5194, 18 U.S.C. 3582(c)(1)(A)(i), and 18 U.S.C. 3582(c)(1)(A)(ii).
2. Government counsel was served electronically.
3. Government counsel entered an appearance on July 15, 2019.
4. No response to the pending motion has yet been filed by the Government.

We are advised the reason for that is that the Court has not ordered a response.

5. Under Local Criminal Rule 49.1(b), "any opposing papers shall be filed and served within fourteen(14) days after service of the motion papers," i.e. in this case by July 12, 2019.
6. The defendant/movant is almost 80 years old, with a host of serious medical issues. He is no longer young or under warranty.
7. The Government should be ordered to respond to the pending motion, and after we have an opportunity to reply to the Government response, pursuant to Local Criminal Rule 49.1(c), the matter should be set for hearing.

WHEREFORE the defendant/movant Peter Gotti, by his counsel, respectfully
prays the Court:

- A. For an order requiring the Government to respond to the pending motion filed June 28, 2019, pursuant to Local Criminal Rule 49.1(b).
- B. That the motion for compassionate release be set for a hearing.
- C. For such other and further relief as the Court may deem just and equitable.

Respectfully submitted,

/s/ James B. Craven III
James B. Craven III
NC State Bar 997
Attorney for the Defendant Peter Gotti
P.O. Box 1366
Durham, NC 27702
(919)688-8295
JBC64@MINDSPRING.COM

CERTIFICATE OF SERVICE

I have this day served Government counsel electronically:

Jun Xiang, Esquire
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
Jun.Xiang@usdoj.gov

This 28th day of August 2019.

/s/ James B. Craven III
James B. Craven III